

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

UNITED STATES OF AMERICA,

:

Case No. 1:09-cr-082

Also 1:21-cv-459

Plaintiff,

- vs -

District Judge Susan J. Dlott

Magistrate Judge Michael R. Merz

TERRANCE SMILEY,

Defendant.

:


ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (ECF No. 115) to whom this case was referred pursuant to 28 U.S.C. § 636(b) and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that Defendant's § 2255 motion be dismissed with prejudice. Defendant is DENIED a certificate of appealability and the Court hereby certifies to the United States Court of Appeals that an appeal would be objectively frivolous and therefore should not be permitted to proceed in forma pauperis.

Pursuant to Fed.R.Civ.P. 58, the Clerk shall enter judgment to this effect.

Spt
August 8, 2021.



District Judge Susan J. Dlott
United States District Court